**E-CONTENT**

**MJMC,  SEM-IV, PAPER-XIV (CC-402)**

**Topic : Right to Privacy**

**Date : 31-01-2020, TIME : 2.00 P.M.-3.00 P.M.**

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**Right to Privacy**

People have a right to lead a life without disturbed by others and noticed by others. privacy is an intrinsic right of people. Everyone has the right to live their private life, without anyone intervening it. But an all embracing law to guarantee absolute right to privacy cannot be existing, and no where exists; if, press might not be able to function. Even public figures and politicians have the right to live their private life without noticed by anyone. Awareness about privacy is on the rise in the international legal environment. United States privacy is a fundamental right. Invasion of privacy is a tort. In United Kingdom nobody has the right and right to claim damages. In Dianagate case, the papparacy were acquitted in the case, as privacy does not exist legally there.

Article 12 of the Universal Declaration of Human Rights upholds this right. Indian constitution Article 21 says, “No person shall be deprived of his life or personal liberty, except according to procedure established by law.” But there is no general law governing privacy. A bill was passed in Rajyasabha in 1978, giving some provisions to this right, but it lapsed with the dissolution of Loksabha that followed. But Indian Penal Code and other Acts clearly provides punishment for

defamatory, indecent, and provocatory reporting.

Mathew Commission has suggested the reintroduction of the bill in the Parliament.

Press Council of India advice journalists not to intrude or invade the privacy of an individual unless outweighed by genuine overriding public interest, not being a prurient or morbid curiosity. So, however, that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by Press and media among others.

The Council states that while reporting crime involving rape, abduction or kidnap of women/ females or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs of the victims or other particulars leading to their identity shall not be published. Minor children and infants who are the offspring of sexual abuse or ‘forcible marriage’ or illicit sexual union shall not be identified or photographed.

Further, the Press shall not tape-record anyone’s conversation without that person’s knowledge or consent, except where the recording is necessary to protect the journalist in a legal action, or for other compelling good reason.

**Right to privacy of Public figures**

The Press Council of India formulated guidelines to achieve a balance between the right to privacy of the public persons and the right of the press to have access to information of public interest and importance. The issue under heated debate at both national and international level and the international conference of the World Association of Press Councils (WAPC) held in April 1998 in Delhi, stressed that there is a need for reconciliation between three competing constitutional values at play on this count, viz:

(a) an individual’s right to privacy,

(b) freedom of the press, and

(c) the people’s right to know about public figures in public interest. The Council has prepared a report on the issue and framed the guidelines as follows:-

“Right to privacy is an inviolable human right. However, the degree of privacy differs from person to person and from situation to situation. The public person who functions under public gazen as an emissary/representative of the public cannot expect to be afforded the same degree of privacy as a private person. His acts and conduct are of public interest (‘public interest’ being distinct and separate from ‘of interest to the public’) even if conducted in private may be brought to public knowledge through the medium of the press.

The press has, however, a corresponding duty to ensure that the information about such acts and conduct of public interest of the public person is obtained through fair means, is properly verified and then reported accurately. For obtaining the information in respect of acts done or conducted away from public gaze, the press is not expected to use surveill devices. For obtaining information about private talks and discussions, while the press is expected not to badger the public persons, the public persons are also expected to bring more openness in their functioning and co-operate with the press in its duty of informing the public about the acts of their representatives”.

There are situations when the media professionals are in a dilemma whether to violate a law for the common good. For example, trespassing into a chemical plant to study the environmental issues connected with it, or secretly video graphing what happens in a public office using a hidden camera. The Atomic Energy Act 1962 prohibits (Section 19) unauthorized entry of any person into any prohibited areas, and make any report, photograph, sketch, etc. Those who violate this shall be punishable (Section 24) with imprisonment upto five years, with or without fine.